

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendants</i>	§	

BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-576 MHS
<i>Plaintiff,</i>	§	
v.	§	CONSOLIDATED CASE
AUDIBLE MAGIC CORPORATION,	§	
FACEBOOK, INC., MYSPACE, LLC,	§	
SPECIFIC MEDIA, LLC,	§	
PHOTOBUCKET.COM, INC.,	§	
DAILYMOTION, INC., DAILYMOTION	§	
S.A., SOUNDCLOUD, INC.,	§	
SOUNDCLOUD LTD., MYXER, INC.,	§	
QLIPSO, INC., QLIPSO MEDIA	§	
NETWORKS LTD., YAP.TV, INC.,	§	
GOMISO, INC., IMESH, INC.,	§	
METACAFE, INC., BOODABEE	§	
TECHNOLOGIES, INC., TUNECORE,	§	
INC., ZEDGE HOLDINGS, INC.,	§	
BRIGHTCOVE INC., COINCIDENT.TV,	§	
INC., ACCEDO BROADBAND NORTH	§	
AMERICA, INC., ACCEDO	§	
BROADBAND AB, AND MEDIAFIRE,	§	
LLC	§	
<i>Defendants.</i>	§	

BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-570 MHS
<i>Plaintiff,</i>	§	
v.	§	CONSOLIDATED CASE
	§	
WIOFFER, LLC	§	
<i>Defendant.</i>	§	

**STATEMENT FROM VARIOUS CUSTOMER DEFENDANTS REGARDING
“CUSTOMER DEFENDANT” SCHEDULE IN THE PARTIES’ 26(f) REPORT**

In Section 8 of the Joint Discovery/Case Management Plan (D.I. 1273), certain defendants propose a case schedule whereby defendants are grouped into a first group of “Supplier Defendants” / “Independent Defendants” and a second group of “Customer Defendants.” (D.I. 1273 at 20-21). The certain defendants propose a case management plan “that establishes two separate and different discovery and trial schedules” for the two groups of defendants. (*Id.* at 22). Pursuant to that plan, those parties in the Customer Defendants group agreed to “either submit a declaration or refer the Court to a previously filed declaration or pleading that it has used or is alleged by Blue Spike to have used the accused technology of ‘Supplier Defendants.’” (*Id.* at 23).

By this submission, Audible Magic’s Customer Defendants¹ submit that they either use, or are alleged by Blue Spike to have used, the accused technology of Supplier Defendant Audible Magic, Inc. These facts have already been presented via individual affidavits filed in support of *Defendant Audible Magic Corporation’s and its Customers’ Motion to Transfer Venue to the United States District Court for the Northern District of California Under 28 U.S.C. § 1404(a)*. (D.I. 771-3 through D.I. 771-21).

Furthermore, Defendant Watchwith, Inc. (formerly known as Related Content Database, Inc. d/b/a/ Watchwith) is accused in this case based on Supplier Defendant Zeitera LLC’s technology. (D.I. 1156-1).

Accordingly, Audible Magic Customer Defendants and Watchwith Inc. respectfully request that, to the extent the Court adopts Certain Defendants’ Position on Proposed Groupings,

¹ “Audible Magic Customer Defendants” refers collectively to: Myspace LLC, Specific Media LLC, Photobucket.com, Inc., DailyMotion, Inc., DailyMotion S.A., SoundCloud, Inc., SoundCloud Ltd., Myxer, Inc., Qlipso, Inc., Qlipso Media Networks, Ltd., Yap.tv, Inc., GoMiso, Inc., iMesh, Inc., Metacafe, Inc., Boodabee Technologies, Inc., Zedge Holdings, Inc., Brightcove Inc., Coincident.TV, Inc., Accedo Broadband North America, Inc., Accedo Broadband AB, MediaFire, LLC, WiOffer LLC, and Harmonix Music Systems, Inc.

they be placed in the “Customer Defendant” grouping.

Dated: March 3, 2014

By:

/s/ Eric H. Findlay

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America, Inc., Accedo Broadband AB, MediaFire, LLC, WiOffer LLC, and Harmonix Music Systems, Inc., Related Content Database, Inc. d/b/a/ Watchwith, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically on opposing counsel pursuant to Local Rule CV-5(a)(7)(C) on March 3, 2014.

/s/ Eric H. Findlay
Eric H. Findlay